C R.S. IX-5]

Previous references. Resume 1921. (Journal)

File No. 670 — 21

Serial Nos. 5 to 8

Later references.

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 4

Part B for October 22

SUBJECT

Re the Theft of Jewellery in the Nanjangud temple by Head Gumasta Ramakrishnaiah

To the Inspector General of Police

No 1605 of 25-10-22

Forwards copy of judgement & requests to take further action

G. R. S. III—3]

ROUTINE NOTES.

[To be used only for notes, requisitions, etc., not intended for permanent record]

D 881

Petition dated 7th
September 1922 from
Revd. Peishkar Venkata
Ramanayya, Narsipatnam
bringing to notice
certain contradictory
evidence given by
the Amildar of Narsipa
and before the Special
1st class Magistrate
of Narsipatnam in C.C.
No: 190/21-22 (Theft
of Golaka Collection
in the Narsipatnam Dargah

No: Tile 670-21 Secy
to G.B. May 1922 Advd.
for reference. The Secy
of the [illegible]
[illegible]
[illegible]
[illegible]
[illegible]

N B—Should routine notes be written on small slips the notes must be pasted on this form

ಅಂಚೆ ಕಛೇರಿಗಳಲ್ಲಿ ಇಂದಿನಿಂದ ಉಳಿತಾಯ ಖಾತೆ ಪ್ರಾರಂಭ

ಅಂಚೆ ಕಛೇರಿಗಳಲ್ಲಿ ಉಳಿತಾಯ ಖಾತೆ ಪ್ರಾರಂಭ

ಇಂದಿನಿಂದ

In the Court of the Special Ist.class Magistrate, Mysore.

Criminal case No.190/1921-22.

Duly sworn- Depo-sition of Mr.K.K.Venkatasami Iyer,Ist.. witness for defence. ~~Kashertakaka~~-- Age-53. Race-linga. Rel igion-Brahman. Father's name-Subbaiyar. Resident of - Nanjangud. Occupation-Amildar.

Examined by the accused---

Yes I sent the accused to the temple as acting Head-Gumastha as per Sub Division Officer's order about the middle of March last. The Sub Division Officer was of opinion that retired Head-Gumastha who has experience of accounts had to be appointed for the place. On the recommendation of Mr.Yagneswara Sastri and with the approval of the Sub Division Officer I appointed this retired Taluk Gumastha for the place as the previos hand had not been submitting accounts regularly. This man complained to me about 10-15 days after appointment that he had the accounts ready and that the Peshkar had not signed them and that he was evading it and also that the accused was not given charge of the office properly. I sent for the Peshkar and questioned him about it. He seems to have been offended. He has taken the explanation of the accused and sent it up with his report on 3-4-22. I sent it on to the Sub Division Assistant Commissioner I held a departmental enquiry regarding the theft of money in his box and I sent it to the Sub Division Officer. I thought from the statement of the accused and by the inspection of the box &c.that theft must have been committed by a plot. As this accused's box was a flimsy one and could be opened by any one easily. The other Gumastha also had a similiar box. He had kept money in it. That was not stlen. The Peshkar was enjoined to observe the Treasury Rules and that he should have only Rs.50 in cash and not more. He was asked to have double lock key,one being with him and one with shroff. They were asked to furnish security. All these were not carried out especially from 7- to 12th.or 13th.inst.

Cross examined by Mr.Rangachar:-

I have been amildar of Nanjangud for 5½ years or 4 years. Accused Ramaswami was seen by me only when Yegnaswara sastri brought him to me for the appointment. As Yegnaswara sastri who was Dharmadarshi recommended, I held no enquiry about his character. I did not know if he was an insolvent. I did not see the Mysore Gazette if it was published in the Mysore Gazette. Yes, Sub Division Officer had asked one Venkatrayachari to be appointed for the place as a retired Gumastha was not then available. Messrs. Yegnaswara sastri and Venkataswamiya came to know of it and they said that Venkatraya chari's work in the Chatram was not above suspicion. So the order was kept in abeyance and this man was tried. Now after this case as the Dharmadarsis gave opinio n that he might be tried, Venkatrayachari was given the place. The Peshkar did not take work from this accused since appoin tment and so I am of opinion that he had ill-will towards him. There was no misunderstanding between me and the Peshkar. Yes, I have reported against him whenever I found him negligent When subordinates go wrong ,we report. By that only we cant say that the person bears ill-will. The Peshkar has not submitted the accou nts till now. I have asked him to submit it. The new Peshkar has now submitted the accounts. I had no necessity to go into the temple from 7th.to 12th.April. I have gone to outside the temple. The Rathotsavam was from 7th.to 12th.April. I had given instructions to the Peshkar about the transaction during the Jatra. e told me that he had even checked the same on 9th.April. On 10th.April I made payment to Hedne people. I asked the Peshkar to bring the money. He sent one Varadachar with the money. I cant say in whose writing page 55 reverse side of Cash Book P.I is written. The payment was made before me. I did not check the cash book then as I had no complaint then. On 12th.April I had gone to the temple to have the Sreekantamurti sealed and sent to Pap Palace. Then also I had no complaint of this. Even on 15th. I did not go to enquire into the temple to

hold

hold enquiry, as I knew the place and the box etc. and as there was no necessity for my going to the place, as I sent up the case to the police. The Peshkar was sent for to take his explanation. He never appeared in the Taluk Cutchery. He sent a number of reports complaining that I did not go the to the temple to hold enquiry. As the case was in the hands of the Police. I did not go . As it was a case of theft, I need not hold preliminary enquiry departmentally. As the subordinates who had the jewels in charge did not say that there was theft of dejje but that it had fallen accidentally it was not referred to the police.

No re-examination. ---- Rd. & A.C.(Translated) .

Sd. A.Krishnaswami Iyengar,
Special Ist.Class Magistrate.
I9 -8-32.

In the Court of the Special Ist.class Magistrate, Mysore.

Criminal Case No.190/1921-22.

Duly sworn- Deposition of Mr.Yegneswara Sastri, 5th.witness for defence. Age-57. Race-Hindu. Religion-Brahman. Father's Name- Narasimha Sastri. Resident of Nanjangud. Occupation-Vaidika

Examined by the accused-

I did not tell the Amildar about this accused. One day when he wanted this man I pointed out to him. I did not recommend him at all. One day the accused said that he was not properly given charge of accounts and that I asked him to go to Amildar.

Cross examined by Mr.Kopresha Rao with permission---

The Amildar wanted a retired Gumastha and was in search of one. I pointed this man when I saw him going in the street.

Re-examination-- Rd. & a.c. (Translated).

Sd. A.Krishnaswami Iyengar,
Special Ist.class magistrate.

Duly sworn - Further cross-examined by Mr.Rangachar---

When Venkatrayachari was appointed there was discussion and the amildar suggested that a retired Taluk Gumastha would be preferable and suggested this man's name. When going in street I pointed to amildar. No re-examination--

Rd. & a.c. (Translated)

Sd. A.Krishnaswami Iyengar.
Special Ist.class magistrate.
21-8-1922.

G. R. S. VI—G/32]

SUBJECT..... ....

....

....

Diary No. of letter replied to 881

General and Revenue Secretariat

( )

, *the* *191* .

Date of issue 18-9-22

Signed by Mr T G Glover

Section

File No. 510-21

Serial No

No. 1279

To

[illegible]

over.

requested to give an
the Completion of the
Case, I am directed
to request that
to Engineers of the
Case has since been
received from Case of
the Court

No 1362

Rec
15 9 22

List of enclosures.

Copied by

Examined by

12

SEN. & REV. SECRETARIAT. MISCELLANEOUS 1003

1922-23

From Mug 670-21-7

The Deputy Commissioner,
Mysore District.

To

The Secretary to the Government
of Mysore, Bangalore

Dated "6" September 19
Despatched
Received Mug Cell

General No. Nil. ಜಂಟಿ ಕಾರ್ಯದರ್ಶಿಗಳು
No.

Enclosure No. one.

Enclosed, for information and compliance, a copy of Government order No. Agriculture 1003-21-7, dated 5th instant on the subject noted above.

Please furnish the report called for

OFFICE OF THE DEPUTY COMMIS
MYSORE DISTRICT,

Dated, Mysore, 26th Septr 1922

From

D.F.Goring, Esqr.,
Deputy Commissioner, Mysore District.

To

T.L.Jagadisa Aiyar, Esqr.,B.A.,B.L.,
Secretary to the Government of His Highness
the Maharaja of Mysore, Bangalore.
Revenue Department.

SIR,

With reference to your letter No. 1279/Muz. 670-21-C dated 12-9-22, I have the honour to state that the enquiry into the case relating to the loss of the Temple money at Nanjangud was completed by the Special First Class Magistrate, Mysore, and judgement delivered on 23rd August 1922, sentencing the accused Ramaswamy (late temple Head Gumasta) to undergo simple imprisonment for three months under section 409 Indian ~~Civil Procedure~~ Penal Code. A copy of judgement received with District Superintendent of Police's letter No. Dl.Dis. 5/22 dated 12-9-22 is submitted herewith, as desired, for perusal.

In this connection I beg to add that the Amildar and the -- Sub Division Officer, Nanjangud have submitted a report on the observations made by the magistrate in paras 8 and 9 of the -- judgment, and the same is sent to the Muzrai Commissioner in Mysore, vide this office No. dated the 26th September 1922 as called for by him.

I have the honour to be,

Sir,

Your most obedient servant,

Deputy Commissioner,
Mysore District.

In the Court of the Special First Class Magistrate, Mysore.

This 23rd day of August 1922

Present:-

A.Krishnaswamy Iyengar, Lecturer, B.A.,
Special First Class Magistrate,
Mysore.

Criminal Case No.190 of 1921-22.

Complainant: Vs Accused.

Government of Mysore. Ramaswamaiah.

JUDGMENT.

On 18-4-1922 I.I.R.under section 380 I.P.C. was received on 20/4/22 accused Ramaswamaiah's complaint that the seventh account of about Rs 200/- kept in his box was lost from Sri Srikanteswamy Temple, Nanjangud, on XX 12-4-1922 in the night.

2. This case was not closed, but proceedings were taken against the accused himself for the misappropriation of the temple money without giving any F.I.R. for the case against him. The accused was arrested on 29-4-22 and charge sheet laid on 9-5-22 in this case against this accused under section 409 I.P.C., that he as acting Head Gumasta committed criminal breach of trust in respect of a sum of Rs84-8-0.

3. Eight witnesses are examined for the prosecution. (1) Chamaraja Civil, Deputy Commissioner's Office produced the exhibits filed in this case P.1. to P.13. ( )Pankaja Mr.Venkataramaniah speaks (1) about the procedure in the temple regarding receipt and custody of the seventh account 'H' writing up of accounts and of these not having been written from 7th to 12th April (iii) of accused having received Rs.4-12-0 from Head Gumasta Ramanna etc., 3rd witness the Permanent Head Gumasta of the temple also speaks to the procedure i.e., receiving challans and receipts, money and the places where they used to sit and to recd and also as to the absence of the accused and his coming by train and returning. 4th witness the permanent Nagara Gumasta Ramanna also speaks to (1)th procedure (2)the amount having been short for six months of over a year (3) Rs.4-12-0 to the accused hand when charge sheet handed over to him. 5th witness also speaks to the accounts of 7th to 12th April not having been written and the Exhibit P.8 pending for the said and calling the accused to explain his duty lapses for the accused evading and records of theft some days after that. 6th, 7th, 8th, 9th, 10th and 11th witnesses Anjaiah, Allaiah, Venkataramaniah, Jagadeva Rao, Lakshmaiah and Siddaiah respectively, temple servants and guards say that no theft occurred in the temple on the night

of 12th April 1922,P. . 6 and 11 saying that on 13th

rly the accused was seen sitting at his box and that somet

only the theft was reported. The 10th witness Ganapathiah Clerk

Saluk I says that a sadi similar to article No.2 was sold to accused

4 or 5 years ago and that as the amount was not paid a decree also wa

obtained. He and 11th witness Rangacha ; Joint Clerk in Kotakoti Bank,Ban-

galore say that the accused had applied for insolvency also. The 14th

witness Boramma in whose house accused was living (Vide PW 17 also) sa

that she sold the sadi i. ., No.2 article 4 or 5 years ago from the accused

but that she paid for it. The 15th witness Mr.Venkatasubba Rao, Head

Accountant, Deputy Commissioner's Office who was specially deputed by the

Dy. Deputy Commissioner to audit the temple accounts on this occasion

audited the accounts only of 7th to 12th April and has produced abstracts

of accounts viz.(1) P.18 statement showing the servartha amounts collected

by the Poojari, the accused and the acting Jangadi Gumasta Varadachari from

7th to 12th April (2) P 19 statement showing part of sale proceeds of the

jangadi received in servartha .(3) P 20 statement showing the balance of

servartha amount to be accounted for and (4) P 21 statement of receipts and

expenditure as per Temple Cash Book not found in Chellans. He has come to

the conclusion that Rs384 0 3 plus the amount due in Ex.P.20 have been

misappropriated and have to be accounted for.The 16th witness Varadachari

the acting Jangadi Gumasta speaks to the procedure in the temple as to re-

ceiving servartha amount and accused only keeping the money in his box as

he was newly appointed on 7th April only. The 17th witness is a constable

to has seen the accused living in the house of Boramma(14th witness). Th

18th and last witness is the Police Inspector Mr.Kopresa Rao who investi-

gated the case.

4. Thus though there are a host of 18 witnesses examined there is not

one witness who can speak to his having paid any money into the accused's

hands except for Rs 47-12-6 which the accused acknowledged in Ex. P. 14.after

receiving it from his predecessor in office (PW 4) the total amount mis-

appropriated as calculated by Mr. Venkata Subba Rao,Special Auditor, sent

by the Deputy Commissioner to audit the accounts is Rs384-0-3 whereas the

Police Inspector has stated that it is 384-8-3 the difference of 8 annas

being in chellan No.240,in which the two have calculated differently the

seva amount. As regards the handing over of Rs47-12-6 above noted PWs 3

4 speak to it. With regard to the remaining amount,we have to gather it

rom challans Ex.P.3. to P.9. As stated by Mr.K.Venkateshwara Rao the accused has issued challans for ₹ 450-12-7. During his absence and as per his authorisation (Vide PW 16) Varadachari has issued challans for 21-2-8. The whole amount was in charge of the accused only as PW 16 is newly appointed on 7-4-1982 and as PW 2 Peshkar authorised the accused only to issue challans and receive money on his (PW 2's) behalf. (Ex.P.11). The Peshkar does not seem to have authority to delegate this power of his to any other especially to such irresponsible subordinates as the accused. The accused also admits having been receiving the money and issuing challans (Vide exhibit P 10 and his statement in Court), he admits his writing and signature also in the duplicates of the challans now before the Court. The 16th PW Varadachari who worked with him side by side says that the accused only was receiving the money and keeping it in his (accused's) box only as he was appointed on 7-4-1982 as per Peshkar's had authorised him (accused) only to issue challans and receive money. P.Ws. 2,3, and 4 have stated that he who issues challans will have to account for the money as per existing procedure. As this procedure only was being followed the accused only must have been in charge of the money and keeping it in his box or rather taking it home and misappropriating it. He failed to put it in the Iron Safe kept in the temple for the purpose though asked to do so by PW 2 Peshkar (Ex.P.10 dated 7-4-82). Though the Peshkar reported the irregularity to the Taluk and other authorities a number of times they seem not to have received any attention and the Peshkar also being inefficient failed to enforce the standing order and procedure. Thus an opportunity was given to the accused for misappropriating the amount. The accused evidently did not keep any money in the box on 14th April night. His allegation of the commission of theft of money in his box is no doubt a false one as stated by PW 8 at 11. He has subsequently produced Rs46 from some where else after the alleged theft which was only a plea to explain away his misappropriation. There cannot be theft committed just in front of the guard going both in day and night (Vide pages 6 to 11) nor is it possible to think that the accused would have such large sums in a flimsy deal wood box as stated by him when there was the iron Safe and another citizens' teak wood box in his charge. There is no doubt that the accused misappropriated the amount collected during the period 7th to 19th April by the accused Parasuva Jakka that the Peshkar had asked him not to touch money, that it should be with the [illegible]

he was giving it to the latter (PW 16) only but that he was kee
in his (accused's) box only. Ex.P.11 shows it to be other wise. Th
Peshkar has asked him in it (Ex.P 11) on 8-4-1922 to receive sevatha
money and to issue challans. It is also on this day the new acting Nara
Gumasta (PW 16) was appointed. Such a man would not have been entrust
with the money all at once. As accused says the money was being kept i
his (accused's) box only surely he only must have been receiving it.

6. The accused examined five witnesses on his defence(1 the
Amildar T.R.R.Venkataswamy Iyer (2) Agamika Kumaraswamy Dikshit (3)
Chandrasekharaiah (4)Venkatapathi Joie (5) Mr. Nageswara Sastry. None
them have stated anything favourable to him. What they have stated is
irrevelent to the case.

7. Under these circumstances I find the accused Ramaswamaih guilty
of the offence charged with and I sentence him to undergo simple imprisonment
for three months under section 409 I.P.C. He is not fined in
addition as he is not capable of paying it. He is dealt with leniently
as the amount has been recovered and as he is an old man and as he
has been in lock-up since 9-5-1922.

A perusal of the statements of PWs 2,15,16 and DW 1 will show the
bad state of the management of the affairs of the temple. The peshkar
is inefficient. The higher officers did not check it. There was no
control over the receipts and expenditure. Irresponsible low subordinates
of the temple are allowed to receive money and issue chits or the so-
called challans of their own manufacture, some of which are signed and
some not signed at all. These subordinates spend at their will and
pleasure out of such receipts. They have not given any security. Their
appointments are not properly made. The Shroff has not been on duty for
months and months together. All these require mending. Challans ought to
have been printed, better in triplicate. One being kept in temple office
and one given to sevathe people to take it to the temple servants to
get the seva performed and one being sent at the close of the day to the
Taluk Cutcherry for checking. This may not give room for misappropriate

The jewelry amount referred to in exhibit P 20, has yet to be
recovered perhaps from the peshkar or other responsible official. The
remaining amount is said to have been made good by the Peshkar already.

Sd/- A. Krishnaswamy Iyengar,
Special First Class Magistrate, Tyagore. 23-8-

Copy
Superintendent of Police
15/9/22 Tyagore Peshkar

G. R. S. VI—G,32]

SUBJECT Forwards for to the Mercyrai Commr. for. Dumbara section a copy of the judgment delivered by the Special 1st Class Magistrate of Meyrou in the case relating to the loss of temple money in the Yoti Yoti Kantaswamy Devasthanam temple at Nanjangud

Diary No. of letter replied to 1003 of 22

Section new 3

File No. 670

Serial No 8

General and Revenue Secretariat

( )

, the 191 .

No 1605/two

Date of issue 25.10.22

Signed by Mr. D.E.J. Anja.

To The Mercyrai Commr. in Meyrou

Sir,

I am directed to forward herewith a copy of the judgment delivered by the Special First Class Magistrate, Meyrou, in the case relating to the loss of ~~temple~~ Dewe money in the Yoti Yoti Kantaswamy Devasthanam Temple at Nanjangud and to request that you will

received with Mr. Meyrou's letter No. 106 of 21-22 Dt. 8.9.22.

over.

be so good as to take the necessary further action in the matter.

2. A copy of the Deputy Commr's letter is also forwarded herewith for General Grant's information.

I have etc.,

[signature]
Secretary to Genl. Grant,
Comm... Bu...

[signature]
13/10/72

List of enclosures.

Copied by

Examined by

G.R.S. 57.]

File No.

Serial Nos.

190 .

GENERAL AND REVENUE SECRETARIAT.

( )

Part A: Manuscript
for

Serial Nos.

GPB—5,000—20-3 06.